

# CADMUN 2021

# ICJ Manual

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## Introduction

The International Court of Justice is the most relevant magisterial committee of the United Nations. It started working in April 1946. Its main objective is to solve international legal controversies that the States submit with international law and to emit opinions about legal matters by specialized organs and agencies that the United Nations authorize. The General Assembly and the Security Council elect 15 judges who will compose the court. The official languages are French and English (in this case, ICJ will be held in English).

- Personal Pronouns are allowed.
- Advocates are encouraged to be more confrontational towards each other while still holding a diplomatic and formal tone and vocabulary.

## Roles


*President and Vice-President (Chairs):* Moderate the debate, prepare the schedule and control the Speakers' List. *They are NOT responsible for the judgment of the case.*

*Clerk (Secretary):* Keeps record and supports presidents on the smooth running of the debate.

*Advocates:* defend their country's side and push for their case to be accepted by the court.

*Applicant:* presents the legal views of the country that brought the case to the Court.

*Respondent:* presents the views of the state that has been accused of the wrongdoing.



*Judges:* ask questions and decide on the credibility of the arguments and evidence presented by the advocates. Ultimately they present the final judgment on the case given.

*Witnesses:* play any character relevant to the case; support the advocate's argument. The witness is allowed to give a statement, after which he/she will be questioned by the advocates on both sides and the judges.

## Step by Step Procedure

1. The President/Vice-President **opens proceedings** and calls the Applicant to present their case.
2. Advocates present their **Opening Statements**, lasting 15- 45 minutes.
  - a. Either during or after (or both) judges are invited to ask questions.
  - b. Opening statements of both parties usually include
    - i. a statement of facts,
    - ii. an account of what happened according to their position, and
    - iii. legal arguments as to why they are in the right.
  - c. The opening statement sums up their position and will already reference what they will later on argue. It is only supposed to be a taster – the statement is not supposed to dive into detailed legal arguments yet.
  - d. The Council will want to mention the evidence they want to present and why that is significant or introduce the witnesses they want to call.
  - e. After the Applicant has finished and answered all the questions, the Respondent has the chance to deliver their opening statement. This should take the same amount of time.
3. **Rebuttal:** (Usually both parties receive some time to prepare, but depends on the presidency). This takes most of the oral proceedings and allows both parties to dissect each other's arguments. It is when evidence is introduced and each case is built. *This stage of the proceedings also relies on active judges – having heard the opening statements of both parties, they will now want to ask as many questions as they can.*
  - a. Applicant starts
    - i. One coherent statement that can be readout.
    - ii. There should be a balance between making one's argument and refuting points made by the opposite side.
      1. Should tell a tale that includes not only detailed legal analysis but also explains why the other side has it wrong.

- iii. Present evidence and call witnesses during the statement.

*As an Advocate, you need to plan and make sense of what to do in what order. If your arguments are building on each other, do not rip them apart, leave them in the most logical order and build the evidence around it.*

1. Both sides get to question witnesses and make statements on submitted evidence.
  - a. When the Applicants call a witness, the Respondent may also question the witness once the Applicant does not have any further questions and the other way round. The same goes for submitted evidence; once the Respondent has introduced a piece of evidence and made a statement, the Applicant may also give a statement.
4. **BREAK.** Judges are given time after rebuttals to compile questions for both parties.
  - a. These questions can include things that judges consider relevant to the case, even if they haven't been brought up by either party.
5. **Last questioning session.** Judges ask the questions prepared during the break.
6. **Closing Statements**
  - a. Sum up all arguments.
  - b. Between 10-20 min.
  - c. May NOT reference anything that has not been previously argued.

*This is the last thing advocates will say to the judges – so make it memorable.*

*-End of Oral Proceedings-*

*-Counsels (Applicant and Respondent) are dismissed.*

7. **Deliberations will take place.**
  - a. Judges will answer the questions the Applicant asked in writing when instituting proceedings. Usually, these are three or four questions.
  - b. It usually takes up at least half a day, as they also include writing the judgment.
8. **Presentation/reading of Judgement.**
  - a. President/Vice-President reads the court's final judgement.

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## ICJ CASE CADMUN2021: Alleged violations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights (Islamic Republic of Iran v. United States of America).

This is an ongoing case in the ICJ. You can find the developments and judgments so far in the following link; <https://www.icj-cij.org/en/case/175>



If you have any questions do not hesitate to contact us at [icj@cadmun.org](mailto:icj@cadmun.org) .